

Item No. 1

Application Reference Number P/21/0579/2

Application Type: Full **Date Valid:** 12/03/2021
Applicant: Mr Tristan John
Proposal: Change of use from residential dwelling to soft play cafe at rear and duplex apartment to front together with single storey extensions to side and rear relating to cafe use. (Resubmission of withdrawn app P/20/1938/2 - Details now include accoustic report and good neighbour policy).
Location: 28/30 High Street
Quorn
Leicestershire
LE12 8DT
Parish: Quorn **Ward:** Quorn and Mountsorrel
Case Officer: Wendy Lewis **Tel No:** 07709 400993

This application has been referred to the Plans Committee in accordance with the Council's Scheme of Delegation embedded within Section 8.2 of the Consultation following a 'Call-in' request from the Ward Councillor, Councillor Shepherd. The concerns raised by Councillor Shepherd relate to:

1. Traffic issues/highway safety
2. Impact on residential amenity of neighbours
3. Permanent noise issues if granted
4. Concern about contamination

Councillor Hunt, who is also Ward Councillor has advised that she supports this call in and is particularly concerned with the visibility between the site and the public highway.

Description of the Site

The application site consists of a semi-detached building that is currently occupied as a dwelling however it has previously had a mixed use as residential and commercial/ industrial.

Surrounding land uses are as follows:

Boundary	Adjacent land use
Front	<p>The front of the building faces onto the highway with The Banks, a newly landscaped open space, which leads from High Street into Church Lane to the rear of The Banks provides access to community buildings and dwellings before becoming a footpath that leads to the churchyard of St Bartholomew's United Church, a Grade I Listed Building.</p> <p>To the east this adjoins a row of dwellings (a row of terraces at 29-33 High Street), which are 2-storey dwellings which have direct frontage</p>

	onto the street. To the west lies Rawlins Secondary School.
Side (north-west)	The White Hart PH adjoins the existing building forming part of this application. The site currently has 2 marquees and a horse box within the rear part of the site and is adjoined to the north by an area of car parking to the pub.
Rear	The rear of the site backs onto the grounds of the Quorndon Fox PH which also adjoins the rearmost part of the boundary of Quorn Court.
Side (south-east)	Quorn Court which is Grade II Listed building that constitutes 11 apartments. An access road or driveway runs around the site separating the building at Quorn Court from the side boundary of the application site. The front elevation of Quorn Court is level with the rear part of the application building and to the rear of the building lies a group of 9 garages. The rear of the site at Quorn Court comprises a communal garden area with a patio area to the rear of the southern part of the building although it is noted that in reality there are 3 seating areas. The ground levels at Quorn Court are noticeably higher than that of the application site at 28/30 High Street, Quorn.

Description of the Application Site

The application relates to 28/ 30 High Street, Quorn which is a currently a 2-storey semi-detached 2-bedroomed dwelling although this has previously had a mixed residential and commercial use. The property was originally a Doctor's surgery. The building on the site is separated from the mutual side boundary with Quorn Court by an area of cobbles that has a maximum width of 4.7m. The rear of the building has a minimum width of 3m from the side boundary. There is currently 1 car parking space to the side towards the front of the site between the building and the mutual side boundary with Quorn Court.

The building is constructed of brick with an off-white render on the front elevation which includes 2 bay windows (bricked up below suggesting that these were originally doorways) and 2 dormers within the roof line which is pitched. The roof level is lower than the adjoining roof above the White Hart PH.

The building comprises a 2-storey element to the front that has a depth of 5.9m which is adjoined by a single storey extension to the rear which has an overall depth of 18m. This comprises an area with a ridged roof and has a depth of 14m and then an attached workshop building that is 4m in length. The first part of the rear extension has a roofline 4.7m high with a ridged roof whilst the rearmost part is 4m in length and has a irregular shaped roof with a maximum roof height of 3.5m reducing to a minimum height of 2.7m. The part of the extension immediately to the rear of the 2-storey element includes living accommodation that is adjoined to the rear by a double garage and workshop.

To the side is a small existing porch with a gable roof. This is one of 4 existing doors in the side elevation that lead into the dwelling, with a single door being set back 6.35m from the front elevation, the porch being set back 8.9m and doors to the garage and workshop to the rear of this. The 2-storey element of the side elevation is finished at ground floor level with an off-white render to match the front with red facing brickwork at first floor level. The single storey element is a mix of facing brickwork and render.

The property has a paved courtyard to the rear with a depth extending 28m beyond the rear of the existing building. This garden area has 3 large steps, each giving a small increase in height. The side boundary adjoins the property at Quorn Court and is marked by a mix of fencing and brick wall. There are bushes and trees that lie along this boundary. There is a difference in ground levels between the application site and the neighbouring property at Quorn Court with the levels at Quorn Court being higher than those at 28/30 High Street.

The boundary is marked towards the front by a low wall above which a 2m fence has been placed which is currently the subject of Enforcement action. A fence extends along the boundary for 25m before a brick wall runs the remainder of the site boundary. The wall measures a minimum of 1.2m high at the application site but 2.2m on the Quorn Court side.

To the rear the boundary is marked by a brick wall with vegetation behind and there is a close-boarded fence above a low wall to the mutual side boundary adjoining the White Hart PH.

The site at 28/30 High Street, Quorn is situated within the Limits to Development of Quorn and within Quorn Conservation Area and the Archaeological Alert Zone. Quorn Court to the south-east is a Grade II Listed Building. St Bartholomew's Church which is a Grade I Listed Building also sits in this part of the village but the church is set well back from the opposite side of High Street from the application site behind the churchyard. The nearest part of the churchyard is approx. 30m from the premises at 28/30 High Street.

Description of the Application

The application seeks permission for the change of use of the property from residential dwelling to a property with soft play cafe at rear and duplex apartment to front together with single storey extensions to side and rear relating to cafe use. The application is a resubmission of an earlier application P/20/1938/2, the earlier application having been withdrawn to give the applicant the opportunity to resubmit the application in its entirety with accompanying reports, namely an acoustic report and good neighbour policy. A revised plan was submitted on 6th May 2021 showing a revised acoustic fence that will be placed inside the side boundary to the east of the site and subsequently on 11th May an addendum to the Noise Impact Assessment was received from the applicant.

The proposal seeks permission for a 2-storey duplex dwelling within the existing 2-storey element at the front of the property. The main entrance to the dwelling is located at the front with access directly from the street into a living room/ kitchen/ dining area. At first floor level there will be 2 bedrooms and an ensuite with a shower room proposed on the ground floor. The dwelling is enclosed in its entirety with the rear of the building then being used in connection with a soft play café. A single storey rear extension is proposed to the rear which will run from the existing 2-storey part of the property and will replace the existing single storey extension.

The proposed extension will have a maximum width of 6.5m, although the rearmost element of the extension for a depth of 5m will be 4.9m in width, with the overall depth of the extension being 18m, so that the extension is no deeper than the existing extension which is to be demolished. The extension will have a staggered roofline with the highest

part of the roof being 6m above existing ground levels and the lowest being 4.9m. The rearmost part of the extension has the lowest roofline which is 4.3m high at the highest point. The extension is to be constructed of red facing brickwork with slate roof tiles and will have timber double glazed windows as well as timber soffits and fascias.

The applicant has provided details of the proposed soft play use which will be located within the rear extension and in the rear garden area. The applicant has advised that the soft play café will be aimed towards pre-school children and babies under the age of 5 and will comprise a café with tables with the soft play area within the furthest most part of the rear extension. Indoor the café provides 5 tables with seating for up to 6 customers at each table giving seating for 30 customers and up to 5 pushchairs. An outdoor area is also proposed with the applicant advising that tables will be provided for 16 customers at 4 tables with space for up to 4 pushchairs. It is intended that this will be a community facility to meet the needs of pre-school children and their parents/ carers with the clientele largely being from the local area.

The scheme will operate between 9am and 5pm Tuesday to Friday, 9am to 6pm Saturdays and 9am to 5pm on Sundays. The café intends to serve pre-made / pre-baked goods bought in (not prepared on site) eg. cans of drink, crisps and snacks, jacket potatoes and so forth in order that the menu be simple to serve with little on site preparation. Staffing levels are likely to involve 7 or 8 adults in total on rotation with probably 3-4 members of staff present per shift.

A Good Neighbour Policy has been submitted by the applicant which sets out more detail of the proposed use with a particular emphasis on how noise and litter will be kept as minimal as possible in order to provide a use that controls possible disturbance to neighbours. Outside children's play equipment will largely consist of interactive and skill-based games. Whilst some form of traditional external play equipment will be available the intention is to minimise the size to minimise children engaging in noisy play. Examples include large chalk boards, puzzles, magnetic maze games, activity boards, motor skills boards and other such play panels.

The application includes the erection of an acoustic fence the length of the site. For the first 11m of the site the fence will measure 0.6m high and will then become an acoustic fence with a maximum height of 2.1m. This was originally to step up to the rear at the rear steps within the site. However a revised design was submitted in May 2021 which shows the acoustic fence staying at the same height for the duration of the rear of the site and not being stepped up. The fence will therefore gradually reduce from 2.1m high to a final height of 1.4m at the rear of the site.

The proposed single storey extension will accommodate an office, storage area and wc will back on to the rear of the dwelling. It extends nearer to the mutual side boundary with Quorn Court by 1.33m. The entrance to the soft play will be via a door in the front elevation of this side extension which will adjoin a locked gate for staff use only between the building and the side boundary with Quorn Court. A bin area is situated behind this gateway. An exit to this part of the site for staff and which is set further back on site is also gated. The entrance door will lead into a reception area and café counter which is in front of a small kitchen area. This then leads into the café area which will have 2 accessible wcs to the side and opens up to a seating area for customers. The soft play area is located to the rear of the building. A seating area is also proposed outside within the rear

garden area. The external play area will have a single access point to ensure safety and security of children, although limiting points of entry and exit to the building will also reduce possible noise disturbance.

The proposed extension has high level windows in the side elevation facing the side boundary to the east, a rear door which will enable access to the courtyard seating area and full length windows in the rear elevation of the extension. Three non-opening roof lights are also proposed in the roof of the side extension. Two windows are proposed in the side elevation towards the front of the property, one to provide light to the hall and stairs of the duplex unit and one to the office for the soft play use. A small window is also proposed in the side elevation nearest to the mutual side boundary with the White Hart PH which will be to the residential shower room.

There will be a planter at the front of the site that will be parallel with the street that will prevent vehicles entering onto the site.

The following documents accompany the application:

- Application Form
- Design, Access and Heritage Statement
- Noise impact assessment
- Addendum to noise impact assessment rec'd 11th May 2021 in respect of the reduced height of the acoustic fence
- Good Neighbour Policy
- Contaminated Land Survey
- Tree Survey and Arboricultural Assessment
- Plans and drawings:
 - 881/001 rev A Existing floor plans, site block and site location plans
 - 881/002 Existing elevations
 - 881/003 rev M Proposed floor plans, site block and site location plans (rec'd 13th May 2021)
 - 881/004 rev M Proposed elevations (rec'd 6th May 2021).

Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

The following policies are relevant to this application:

Policy CS1: Development Strategy – this policy sets the spatial strategy for sustainable growth with new housing and employment being primarily focussed on the towns such as Loughborough and Shepshed and the Leicester Urban Area.

Policy CS2: High Quality Design – requires developments to make a positive contribution to Charnwood Borough, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access, and protect the amenity of people who live or work nearby

Policy CS3: Strategic Housing Needs - seeks to manage the delivery of the Borough's housing need and ensure a good mix of house types, tenures and size of properties, having regard to identified housing needs and the character of the area.

Policy CS9: Town Centres and Shops – within Local Centres development will be encouraged that supports their vitality and viability where it is physically integrated into the defined centre and of an appropriate scale for that centre.

Policy CS14: Heritage - sets out to conserve and enhance our historic assets for their own value and the community, environmental and economic contribution they make.

Policy CS25: Presumption in Favour of Sustainable Development - sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It pledges to work proactively with applicants to jointly find solutions to approve development wherever possible to secure improvements to the economic, social and environmental conditions in an area. Planning applications that accord with the policies in the Core Strategy will be approved without delay unless material considerations indicate otherwise.

Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

The saved policies relevant to this proposal include:

Policy ST/2 Limits to Development - states that built development will be confined to allocated sites and other land within the Limits to Development identified on the proposals map, subject to specific exceptions.

Policy EV/1 - Design - seeks to ensure a high standard of design for developments, which, inter alia, respects and enhances the local environment, is of a design, layout, scale and mass compatible with the locality and utilises materials appropriate to the locality.

Policy TR/18 – Parking provision in new development - indicates that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimize harm to visual and local amenities. The quantity of parking allowed should reflect the proposed use and the location of development, the availability of public off-street parking; the current or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

Quorn Neighbourhood Plan (made 6 June 2019)

This document has now been ‘made’ and its policies form part of the Development Plan. Relevant policies include:

Policy S1 - states that development proposals within the Neighbourhood Plan area will be supported on sites wholly within the settlement boundary where the proposal fully complies with all of the policies in the Neighbourhood Plan.

Policy S2 states that new development should reflect the guidance of the Quorn Village Design Statement and that new development will be supported where it respects the character or appearance of the neighbourhood area and, where appropriate, incorporates vernacular building materials.

Policy H3 seeks a housing mix of 1, 2, or 3 bed dwellings and homes suitable for older people and those with restricted mobility. Dwellings with 4+ bedrooms should be a clear minority

Policy H5 sets out how windfall developments should be considered and states that small residential development proposals within the Settlement Boundary will be supported where they are well-designed, and comply with the relevant requirements set out in other policies in the Development Plan. The policy sets out a number of criteria which form part of this consideration.

Policy ENV4 states that developments which result in unacceptable adverse impact on trees, woodland and hedges of environmental significance will not be supported.

Policy ENV5 seeks to protect sites of historic environment significance and states development proposals that would have a detrimental impact on them will not be supported unless the need for and benefits arising from the development outweigh the loss.

Policy CF2 states that proposals that improve the quantity and/or range of community facilities will be supported. The policy sets out a number of criteria which form part of this consideration.

Policy E1 states that employment-related development will be supported provided that a set of criteria are met.

Policy TT1 relates to the traffic implications of highway proposals.

Material considerations

National Planning Policy Framework (NPPF)

The NPPF is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development. It confirms that planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The Framework requires that planning decisions should, inter alia, ensure that developments are visually attractive as a result of good architecture and layout, are sympathetic to local character and maintain a strong sense of place through use of materials, and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity of existing and future users.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are 3 dimensions to this;

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation

- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services;
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment.

The following sections of the NPPF are considered to be particularly relevant to the determination of this application:

Paragraphs 7-10 (Achieving sustainable development);
 Paragraphs 11 and 12 (Presumption in favour of sustainable development);
 Paragraphs 38 and 47 (Decision-making);
 Paragraph 55 (Use of planning conditions);
 Paragraph 80 (Decisions should support businesses);
 Chapter 8 (healthy and safety communities should be promoted and should achieve healthy, inclusive and safe places)
 Paragraph 109 (Impact of development on highway safety);
 Paragraph 111 (effective use of land should be promoted in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions)
 Paragraphs 124, 127 and 130 (Achieving well-designed places);

Para 130 states that proposals should be refused where they fail to improve the character or quality of an area.

Paragraph 180 (new development should be appropriate for its location should take into account the likely effects of pollution on health, living conditions and the natural environment, including mitigating noise)

Paragraphs 184-196 (planning proposals should assess heritage assets with the underlying aim of preserving or enhancing their significance, character and setting)

Paragraph 11 sets out the presumption in favour of sustainable development and makes it clear that where there is an under-supply of housing land, the most important policies for the determination of housing proposals would be considered out of date.

Department for Communities and Local Government – Technical Housing Standards – nationally described space standard (March 2015)

These standards deal with internal spaces within new dwellings and sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling heights. The standard sets out the minimum space requirements dependent on different combinations of single and double/twin bedrooms. These standards are not yet embodied within any Charnwood development plan policies and are regarded as guidance at present. However, the standards have some weight in the planning balance.

The National Design Guide

The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This design guide, the National Design Guide, illustrates how well-designed places that

are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

As well as helping to inform development proposals and their assessment by local planning authorities, it supports paragraph 130 of the National Planning Policy Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

National Planning Practice Guidance

The PPG is a web-based resource that is continually updated. This document provides additional guidance to ensure the effective implementation of the planning policy set out in the NPPF.

Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

The Crime and Disorder Act 1998

This places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of planning applications.

Planning (Listed Building and Conservation Areas) Act 1990 (as amended)

This consolidates previous legislation relating to special controls in respect of buildings and areas of special architectural or historic merit and sets out what alterations can be carried out to listed buildings and within Conservation Areas without the formal consent of the local planning authority. The Act also sets out the procedure for local authorities to consider compiling a list of properties considered to be of special architectural or historic interest and how applications affecting such assets are to be advertised. The legislation gives Local Planning Authorities a statutory duty to give special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Quorn Village Design Statement (2008)

This document seeks to record the natural and built features of Quorn that are valued by its residents with the purpose of safeguarding and enhancing the village with appropriate and contextually sympathetic development. This document states that new development should respect the diverse origins of the village and avoid uniformity. The document seeks to ensure that future developments preserve the essential character of Quorn and to suggest opportunities for appropriate restoration or enhancement. The aim of the document is to safeguard the integrity and independence of the village so that succeeding generations will continue to enjoy, understand and defend its historic foundation.

The Quorn Conservation Area Character Appraisal

The purpose of this appraisal is to examine the historical development of the Conservation Area and to describe its present appearance in order to assess its special architectural and historic interest. The appraisal will then be used to inform the consideration of management and development proposals within the Area. The Appraisal notes that High Street is one of the 4 principal roads from the staggered crossroads at Quorn Cross. There is a broad range of residential and commercial development within this historic core that is representative of Quorn from the medieval period through to the Victorian and Edwardian expansion of the village in the late 19th and 20th centuries. By the mid-18th century High Street had become part of the turnpike connecting Leicester with Loughborough Road, and ultimately London with the North West.

High Street, the old A6 from Loughborough to Leicester, is important in the plan form of the village given that it is one of the two routes that came together to form a crossing around which the core of the village of Quorn is based. The enclosure of the street by properties from the crossroads going up High Street is recognised in the Appraisal as being an important feature of this part of Quorn. The Appraisal goes on to point out that the most prevalent materials in the Conservation Area are red brick and slate.

Quorn Court to the side of 28/30 High Street Quorn is recognised as being one of the houses within the village used to entertain visiting hunting parties and was built for the Duke of Devonshire in 1746.

The main contributions to the special character of Quorn Conservation area are:

- the variety and contrast between the tightly enclosed buildings against the streets with the many public and private open spaces;
- the many views of the church tower;
- the proximity to the river soar, Buddon Brook and their associated woods and meadows with opportunities for wildlife and the expansive vistas beyond the village;
- the importance of Quorn hall and Quorn house as individual buildings in their own parkland settings.
- the history of the parish church and its churchyard, with their approaches by footpaths and the narrow streets of Church lane and Nursery lane;
- the landmark of Quorn Mill as a reminder of the industrial heritage of the village.

The Draft Charnwood Local Plan 2019-36

This document has reached the Preferred Options Consultation stage, and went out for public consultation between 4 November 2019 and 16 December 2019. This document sets out the Council's draft strategic and detailed policies for the plan period 2019-36. The document carries very limited weight at the current time.

Design Supplementary Planning Document (2020)

This document seeks to encourage, promote and inspire higher design standards in new development.

Leicestershire Highways Design Guidance

Leicestershire County Council Highways are no longer part of the 6 Cs Design Guide arrangements; however, the provisions within that guide will continue to be applied. The guide will now be referred to as Leicestershire Highways Design Guide. It deals with infrastructure requirements for new developments.

Housing Supplementary Planning Document (July 2018)

This document sets out the Council’s goals for the delivery of housing and how it will deal with applications for new development. The document seeks to provide clarity for those who live in the Borough and for the developers who deliver the new homes. The SPD will be a material consideration in the determination of planning applications in the Borough. It should be noted that the SPD cannot and does not propose new policy; rather it explains how Policies CS3, CS4, H/12 and CS23 will be used.

Housing and Economic Development Needs Assessment (HEDNA)

The Housing and Economic Development Needs Assessment (HEDNA) has looked at a wealth of evidence, including population, household and economic growth projections, to assess the need for housing and employment land over the next 20 years. The study is an important part of the evidence base for the Strategic Growth Plan. It will also form part of the evidence base for Local Plans and will feed into the Strategic Economic Plan being revised by the LLEP.

The HEDNA looks at projections based on past population and demographic trends, with adjustments made (where necessary) for higher migration to support economic growth, and/or to address affordability issues, responding to an analysis of market signals and evidence of the need for affordable housing. The HEDNA also identifies the appropriate mix of homes of different sizes needed in the market and affordable sectors and concludes that the ideal mix of market housing in Charnwood should be as follows

- 1 bed – 0-10%
- 2 bed – 25-35%
- 3 bed – 45-55%
- 4 bed – 10-20%

Charnwood Borough Council Housing Needs Assessment (Sept 2020)

This was produced as an update to the HEDNA report and provides information at a smaller area level than previously available and has been produced as part of the evidence required for the Charnwood Local Plan.

Relevant Planning History

Ref.	Description	Decision & Date
P/76/1015/2	Garage and workshop	Refused 05.08.1976
P/79/0120/2	Change of use from doctor’s surgery to retail arts/ crafts shop	Refused 08.03.1979
P/79/2078/2	Conversion of existing commercial/ retail premises into self-contained dwelling	Conditional Approval 11.10.1979
P/17/2355/2	Removal of Catkin bush (Conservation	A Tree Preservation

	Area Notice)	Order is not considered appropriate 22.12.2017
P/20/1938/2	Change of use from residential dwelling to soft play cafe at rear and duplex apartment to front together with single storey extensions to side and rear relating to cafe use.	Withdrawn 09.03.2021

Responses of Statutory Consultees

The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website www.charnwood.gov.uk.

Consultee	Response
Environmental Protection - CBC	<p>Confirms that there are no adverse Environmental Health representations and therefore has no objections to this application.</p> <p>Odour from cooking – The applicant provided details which addresses immediate concerns regarding the potential for odour, but is mindful that if planning permission is granted other A3 businesses could subsequently use the permission. Therefore considers that the type of food that can be prepared and sold at these premises should be restricted by planning condition.</p> <p>Contamination report – Is satisfied that the report provides a fair summary of the site's current and historical usage and the potential for any contamination. The report suggests that:</p> <ul style="list-style-type: none"> - there is a low possibility of contamination from the site's historic usage as an industrial patter maker - there are no specific contaminants specifically associated with pattern making nor are any expected to have resulted from the limited activity at this site. <p>Overall the report concludes that based on the research undertaken there is a "low risk" of any significant contamination linkages that would necessitate further intrusive ground investigation or remediation work, however recommends conditions.</p> <p>Although no specific concerns notes that the nature of the play facility means that the proposal will result in some noise from time to time. Therefore made recommendations including that the applicant should provide an acoustic report and good neighbour policy. These form part of the current application.</p> <p>Acoustic report - Considers that this provides a fair assessment of the potential impact of operational noise arising from the proposed external air conditioning plant, rear garden play area,</p>

	and noise break-out from the café on existing ambient noise levels and nearby residents. Good Neighbour Policy - Is satisfied that consideration has been given to customer capacity, internal/external layout, hours of operation, CCTV, boundary screening, appropriate signage, provision of supervision and the nature of play equipment to be provided.
Leicestershire County Council, (LCC) - Highways	In its view the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impact on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to planning conditions outlined in the report.
Ward Councillor Shepherd	Concern about traffic issues and highway safety, impact on residential amenity of neighbours, permanent noise issues if granted and concern about contamination.
Ward Councillor Hunt	Supports Councillor Shepherd's call in and is particularly concerned with the visibility between the site and the public highway.
Quorn Parish Council	Has concerns about highway safety on this proposal and particularly in regard to young children. It is felt that the location on the busy High Street is the wrong place for such a facility.

Other Comments Received

A number of comments were received on the original application (P/20/1938/2) from the following neighbours:

Quorn Court – 1, 2, 3, 4, 5, 8, 9, 10, 11
 Quorn Court Management Company
 Elms Drive – 1
 Freeman Way - 7
 Od Thorpes Café, 6 Station Road, Quorn

In addition 2 objections were received from residents who did not provide an address.

Cllr Shepherd had called the previous application in to Plans Committee expressing concerns about issues of noise, odour, contamination and highway safety.

19 letters of objection in respect of this current application have been received from 9 properties:

Quorn Court – 1, 2, 3, 4, 5, 8, 9, 10 and Quorn Court Management Company
 Woodhouse Road – address not given.

The objections have been summarised below. Full copies of representations are available to view on the Council's website.

Concerns include:

- This is not an appropriate development and will result in an overbearing and harmful impact on a Conservation Area next to the Listed Building at Quorn Court
- Concern about the loss of cobbles and impact on appearance of Conservation Area
- harm to residential amenity – it will result in noise and disturbance, in addition to the existing noise and disturbance from the neighbouring pubs and so will continue this into the daytime too. Residents already suffer from noise disruption from the local public house (White Hart) especially in the summer months
- The noise assessment carried out for the applicant bears no relation to the realities of the site at Quorn Court, especially in relation to garden and seating areas and that the noise and contamination reports submitted with the application are not impartial
- the use will result in overlooking of windows in Quorn Court and lead of loss of privacy to windows to neighbouring flats, particularly if the proposed play equipment is allowed
- concern that the capacity of the café means that there is likely to be queueing, if the fence to the front is kept low the customers will be able to look straight into the windows of the nearest ground floor apartment
- there will be unacceptable odours to neighbouring residents from cooking at the café
- concern about a proposed externally mounted industrial extraction unit and noise/visual impact
- will there be birthday parties at the café which will mean large numbers of children and parents arriving and leaving at the same time
- The applicant says that the over 5 age group will make even more noise than others. Can the applicant say how he intends to address the additional noise when the school or pre-school age children are not in school?
- noise and disturbance from an increase in traffic to the site, especially deliveries and refuse vehicles
- this will be the largest café development of its kind in Quorn, sited in the most inaccessible position where it will cause disruption to pedestrians and to the residents of Quorn Court who will be subjected to continual noise from the proposed development for up to 8 hours per day, 7 days a week with up to possibly 200 plus customers over a working day due to the size of the development.
- loss of the existing tranquillity at Quorn Court due to the proposed noisy business venture and concern about the change from what has been a residential property since the 1950s suddenly into a potentially over developed huge commercial operation
- Concern about contamination issues since a pattern maker used the site historically. In the 1960s/70s Threeways Engineering & Patternmakers (previous use of No. 28/30), would have used toxic cleaning agents. The resident on this site since the early 1950s lived in the front section of the property and had industrial workshops behind.
- Damage and harm to the mature trees on site boundary
- The proposed acoustic fence will result in loss of light for residents in Quorn Court
- The proximity of the acoustic fence to the boundary wall at Quorn Court would prevent inspection and maintenance of the wall
- the void between the wall and the fence will result in accumulation of leaves, seedlings and plants due to proximity to trees on the boundary and will lead to premature deteriorating of the listed wall and fencing

- Concern about people parking at Quorn Court to use premises
- Highway safety – the footpath in front of the property at 28/30 is narrow and there is insufficient space for people to walk past with pushchairs which this use will attract
- It is not realistic that the majority of customers will walk. Concern that there is no parking for the proposal, the local parking facilities within the village are often at full capacity. Customers from local villages may bring their own cars which would cause further parking issues and congestion in the village
- The property has no safe access for disabled people or deliveries and is on double yellow lines. Parking or dropping off will cause disruption along an already busy road
- The café will be unable to provide facilities for disabled children
- Danger to children who will visit the premises due to the proximity of the busy road, High Street is a very busy road with heavy use of cars, buses, cyclists and pedestrians. Frequent buses along the road would make it dangerous for parents/users of the soft play and the children to access the site safely.
- Concern that delivery vans, staff, clients and residents will all fight for space on the frontage of the application site
- The total seating at the café is at variance with the details sent in from the developer who stresses how small the business will be and he has no intention of running a larger profitable business
- No provision for fire escape – customers will need to evacuate into the back garden through one single door. The only entrance will be through the reception area and turnstile entry. Both front and back side gates according to the plans will be locked.
- Quorn already has many areas for children to play that are in locations with easy access.

Consideration of the Planning Issues

The key issues in considering this application are considered to be:

- Principle of Development
- Design and impact on the character and appearance of the street scene
- Impact on Residential Amenity
- Impact on Heritage assets
- Impact on Highway Safety
- Impact on trees
- Other matters

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accord with the Development Plan unless material planning considerations indicate otherwise. The Development Plan policies relevant to this application have been detailed above. Although the relevant policies are contained in plans that are over 5 years old they are generally compliant with the advice within the National Planning Policy Framework and there is no reason to reduce the weight given to them in this instance.

Quorn is designated within the settlement hierarchy set out in Policy CS1 of the Charnwood Core Strategy as a service centre where the Council will plan positively

through providing new homes and employment land, safeguarding services and facilities and responding positively to sustainable development. The proposal looks to replace the existing dwelling within a duplex to the front of the site whilst to the rear the proposal provides a soft play café with an outdoor seating area to the rear.

The Quorn Neighbourhood Plan echoes the Core Strategy with the vision for the village being one that continues to be an attractive, thriving and sustainable place for people to live and work, while keeping its character as a beautiful rural village of historic significance. The site lies to the south of High Street within the Limits to Development of the village where new development is considered to be a sustainable location for new development. The proposal looks to redevelop the majority of the site for a community use, as supported by Policy CF2 of the Neighbourhood Plan. In this case the site is providing a soft play facility that is aimed at reaching the needs of young children and their parents/ carers for this type of community facility. It will also provide some employment since the applicant has advised that around 9 members of staff will be employed and the proposal would help to support the local economy. This aspect therefore complies with Policy CF2 of the Quorn Neighbourhood Plan. The proposal includes the retention of the residential use with the provision of a duplex to the front of the site. This will have the same number of bedrooms as the existing property. It should be noted that the site has a garage and workshop to the rear which have an existing use that could be re-established at any time but these will be removed as part of the proposal.

The development of this site would therefore be in full accordance with the strategic hierarchy set out in Core Strategy policy CS1 and the relevant policies of the Quorn Neighbourhood Plan, notably Policy CF2.

It is therefore considered that the principle of the proposed development is acceptable and accords with planning policy within the Development Plan comprising the adopted 2004 Borough Local Plan, the Charnwood Core Strategy and the Quorn Neighbourhood Plan provided that it meets criteria in terms of design, will not unacceptably harm the amenities of neighbouring dwellings and will not result in an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Design and impact on the character and appearance of the street scene

Development Plan policies both at District and Parish level require that new developments respect the character of the area having regard for scale, density, massing, height, landscape, layout, materials and access arrangements. Planning permission will be granted for new development which respects and enhances the local environments, including the form and function of existing settlements and is of a design, layout, scale and mass that is compatible with the locality and neighbouring buildings and spaces. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments function well and add to the overall quality of the area, that they are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and that they are sympathetic to local character and history, including the surrounding built environment and landscape setting.

The proposal includes the demolition of the existing extension and workshop to the rear of the dwelling and its replacement with a new extension of a similar depth. The only change to the front elevation is the insertion of a front door to the duplex unit which will be in one

part of the existing front windows. These were both originally floor length openings which have been infilled in recent years.

The rear extension is subservient to the existing building and although having a higher roof line reflects its scale and massing. The extension will be constructed with red bricks and slate to be in keeping with the existing and has been designed so that it respects the design of the existing building.

The proposed café use will be largely conducted inside the extension with the access being located further back on the site than the residential unit although there will be some seating and play equipment within the rear garden. The separation between the building and side boundary will be maintained to the front of the site although the side extension encroaches nearer to the boundary to the rear. It is recognised that the use will bring more visitors to the property, however, given that the site lies to the south of the High Street within an existing vibrant area in close proximity to other community uses including Rawlins High School and 2 pubs it is considered that the proposal will not adversely affect the character and appearance of the street scene.

The proposal includes the erection of an acoustic fence which will be situated adjacent to the existing boundary with Quorn Court and the loss of the existing cobbles which appear very worn. The quality of the fence is considered appropriate to the street scene and whilst the loss of the cobbles is regrettable these could be removed immediately without the need for planning permission. Since the ground surface details are included within the details submitted by the applicant it does give the opportunity to negotiate an appropriate replacement material. The applicant has suggested Indian stone slab which would be suitable within this location.

It is therefore considered that the design and pattern of the proposed development is in keeping with the character and appearance of the existing street scene and will comply with saved Policy EV/1 of the Borough of Charnwood Local Plan (adopted 12th January 2004), Policy CS2 of the Charnwood Local Plan Core Strategy 2011 - 2028, Policies S1 and S2 of the Quorn Neighbourhood Plan, the Council's SPD on Design and the national guidance given in the National Planning Policy Framework and the National Design Guide.

Impact on the residential amenity of adjacent properties

Policy CS2 of the Charnwood Local Plan 2011-2028 Core Strategy and saved Policy EV/1 of the Borough of Charnwood Local Plan 2004 seek to protect the amenity of existing residents and requires that new developments should consider the amenity of adjacent and future occupiers in terms of privacy (overlooking), light (overshadowing) and over dominance (outlook). The Council's SPD on Design supports these policies and sets out how impact on these will be determined objectively. Given the details of the proposal consideration also needs to be given to whether the café use will result in odour and noise and disturbance to neighbours and the history of the site requires that any possible contamination issues be taken into account.

It is recognized that strong objections have been received to the proposal from the residents of Quorn Court which is a Grade II Listed Building to the south east of the site. This is a residential site of 11 units which residents appreciate for the peace and

tranquility that it offers. However it is located to the south of the old A6 on High Street on a busy and bustling part of the village centre.

The application has been considered as to whether there are concerns specifically relating to the proposed use that could have an impact on residential amenity. The Council's Environmental Health team has also been consulted on the application.

Loss of light:

The proposed extension will be 1.8m nearer to the mutual side boundary with the properties at Quorn Court than the existing porch extension to the side of the dwelling, and will be higher with an increase in the maximum height from 4.7m to 6m. The eaves level of the proposed extension is 2.5m. However the nearest side elevation of the property at Quorn Court sits 5m from the mutual side boundary. It is recognised that there is a change in levels between the neighbouring property and the application site with ground levels at Quorn Court being lower than at 28/30 High Street. The 25 degree test set out in the Council's SPD on Design has been carried out and the proposed extension satisfies the test so that it can be confirmed that there will be no material loss of light to the nearest flats at Quorn Court, ie. Flats 3 and 7 Quorn Court.

Both of these flats are single storey with no. 3 sitting at ground floor level and no. 7 above. Both of these flats have secondary windows which face the mutual side boundary. However whilst the windows in the side elevation are to habitable rooms, notably the kitchen, it should be noted that these windows are only secondary windows since these rooms also have windows in the front or rear elevation. The proposed extension extends approx. 4.7m further back than existing, and projects beyond the rear of the existing rear elevation at Quorn Court by approx. 3m however due to the distance between the application site and the neighbour the proposal does meet the 45 degree test.

The proposed extension will therefore not have any material impact on the residential properties at Quorn Court and meets the tests for loss of daylight and sunlight set out in the Council's SPD on Design.

Objections were received in respect of the height of the proposed acoustic fence which was to be 2.1m high for its entire length and residents at Quorn Court were concerned that to the rear on their side the fence would appear overbearing since, due to the ground levels on their side, it would appear to be over 3m high. However the fence has been amended so that it will now be 2.1m high to the rear of the application site where it is situated to the side of the boundary wall at Quorn Court and will not be stepped up. At the rear, then, the fence will reduce to 1.4m in height and for its length is just 0.2m above the wall at Quorn Court. Consequently the proposed fence will have no impact on daylight or sunlight to the rear of the property and its reduced height will overcome any concerns about overbearing impact on Quorn Court.

Loss of privacy:

The residents of the flat at 3 Quorn Court, as well as other residents of Quorn Court, have expressed concern that the height of the fence to the front of the property will result in customers of the soft play café being able to view into their windows. The fence to the front of the property is to be kept to 0.5m for the front 10.8m of the site and will be similar in height to the wall to the front of Quorn Court. A 1.5m high fence however has been erected by the neighbouring residents above this wall but it should be noted that this is

currently the subject of planning enforcement. The fence is considered inappropriate and has a potentially harmful impact on the character of the Listed Building.

The acoustic fence is then raised to 1.8m for the next 14m length between the properties. The neighbour at 3 Quorn Court expresses concern that there could be overlooking whilst customers to the Quorn Court wait to gain access to the café, however it is noted that there is no tall boundary screening other than vegetation to the front of the site so that there is already an element of overlooking to the front of the Quorn Court property. Whilst the front elevation of Quorn Court is set back approx. 14m from the street front elevations are considered to be part of the public realm. There will be no more loss of privacy than currently exists with passers by in High Street and visitors to the existing dwelling at 28/30 High Street already having views over the front and side windows of the flats at Quorn Court. The proposed acoustic fence increases in height to 1.8m approx. 5m back from the rear elevation of the 2-storey part of the property at 28/30 High Street and this fence will be at that height adjacent to the windows in the side elevation of Quorn Court so that the lower parts of the windows will not be visible to customers of the proposed use.

The Good Neighbour Policy included a high climbing frame within the rear garden although this was not shown on any submitted plan. However the applicant has been asked to remove this to ensure that there will be no loss of privacy from the neighbouring property to the rear and it is recommended that a condition be added to the planning permission to restrict the height of any play equipment (in particular climbing equipment) within the rear garden area to no higher than 1m so that children playing at the top of the equipment will not be able to overlook the top of the acoustic fence.

Noise and disturbance:

There have been a number of objections received that the proposed use will result in unacceptable noise and disturbance which will substantially harm the living conditions and residential amenities of neighbouring residents. However the proposal is sited within close proximity to the vibrant and thriving village centre of Quorn, adjacent to a busy road the old A6 and near to other commercial and community uses. The site adjoins 2 neighbouring public houses to the east, the White Hart PH and the Quorndon Fox. The White Hart PH currently has 2 marquees in the rear garden and a horse box and both pubs mean that there is noise into the evening. The applicant has confirmed that the soft play café will be open no later than 6pm.

The proposed extension and the application site is separated from the nearest side elevation of Quorn Court by an internal access that leads to the garages to the rear of the site. The access is one way only around the property and has a minimum width of 5.1m. Residents at Quorn Court have expressed concern that there will be noise and disturbance caused particularly to the residents of the neighbouring flats that are nearest to the mutual side boundary, Flats 3 and 7, but also to all the windows in the rear elevation of the property and to the enjoyment of being able to sit out in the communal rear garden of the property. It is noted that there is a patio area for seating to the rear of the flats in the eastern half of the property but residents also advise that there is seating at 3 locations within the rear garden. Objections from residents also mention that the garages at Quorn Court could be affected by noise however these do not constitute habitable rooms.

A Noise Impact assessment and Good Neighbour Policy were requested by the Council's Environmental Health team and were submitted by the applicant as part of the revised

planning application. The Noise Impact Assessment has been written by a qualified member of the Institute of Acoustics and Acoustic and Noise Consultants in accordance with the guidance in British Standards. The NIA has been assessed by the Council's Environmental Health team. Whilst objections were received as to the nature of the noise assessment and various issues which residents consider it does not address, the Environmental Health team has advised that the assessment methodology is generally sound and is in line with appropriate technical guidance, namely BS4142:2014 "Methods for Rating and Assessing Industrial and Commercial Sound" and BS8233 "Guidance on sound insulation and noise reduction for buildings". The acoustic report is considered to provide a fair assessment of the potential impact of operational noise arising from the proposed external air conditioning plant, rear garden play area, and noise break-out from the café on existing ambient noise levels and nearby residents.

The proposed internal play area is situated to the rear most part of the new extension. It is proposed that the cafe will have two windows in the side elevation facing Quorn Court which will be kept closed to reduce noise levels and ventilation will be provided through an external air conditioning unit that will be situated to the rear of the building. An acoustic fence will be situated between the existing screening on the mutual boundary at the side between Quorn Court and the application site in order to reduce noise levels. The applicant has advised that the indoor area will be well insulated and noise escape will be minimal due to building control measures and the design of the scheme.

The external play area is limited in size and limited in customer capacity so that it will only accommodate 16 people plus prams. The applicant has advised that they intend to focus outdoor play equipment largely around interactive play over traditional play equipment. The internal café and play will be the main focus and attraction ensuring most customers will generally prefer to remain indoors. A condition limiting numbers has been considered as well as a booking system however the numbers using the soft play facility will be limited by the size of the property and it is considered that a limit of numbers and associated booking system would be difficult to enforce.

The opening hours of the café will be kept limited so that evening use is not included but will be restricted to 5pm during the week and will not open on a Monday. Saturday and Sunday opening is proposed but will be limited to 9am to 6pm which is earlier than the neighbouring public houses. Concerns have also been expressed about deliveries to the property and the impact that this would have on highway danger should these occur at a time when there are children and adults waiting to access the property. A planning condition is therefore recommended limiting opening hours. However, a condition restricting deliveries would be unjustifiable given the mixed use character of the area and the likely limited number and low level of deliveries associated with the proposed use.

Environmental Health officers have considered all the issues in relation to noise and disturbance and have advised that whilst they have no specific concerns, it should be acknowledged that the nature of play equipment is intended to encourage physical activity, exploration and engagement, by providing a stimulating and challenging environment, this together with the age of the children targeted by the proposal will inevitably result in some noise from time to time. The degree of impact on neighbours will however be dependent upon the intensity of use, level of supervision and the operational and managerial controls exercised by the operators. The application also suggests that the facility will not be used late into the evening or excessively at weekends and that the

majority of the play areas will be located indoors, thereby offered some degree of attention by the building envelope.

Perceived changes in noise levels have the potential to trigger strong reactions and there can be considerable variation between what some people deem unacceptable and what materially affects their quality of life. Sudden impulsive or irregular noises generally cause more annoyance than steady continuous noise. Similarly, unwanted sound can intrude upon and distract people from either their work, rest or recreation regardless of its loudness, especially if it is perceived as having been imposed upon them.

There is no specific British Standard or Environmental Noise guidance which clearly defines an acceptable level or formula for assessing noise from play equipment. It may however be possible to reduce the potential for noise impact if conditions were applied to the time and use of this facility. In accordance with these recommendations the previous application was withdrawn and further work undertaken by the applicant, notably the production of the acoustic report and a "good neighbour" policy which includes a noise management plan aimed at minimising unnecessary noise and disturbance to neighbours.

The NIA has assessed whether an external A/C plant would be likely to result in an unacceptable level of noise and disturbance to the neighbouring residents. This will be located to the rear of the building and screened from neighbouring dwellings. The report has assumed that since the soft play café will generally operate during daytime hours the plant will be unlikely to operate at night. The assessment suggests that the rating levels of noise from external plant will be below the existing daytime background noise level at neighbouring residential receptors. In order to protect the amenities of neighbours it is recommended that, although the likely details of the A/C unit are included within the noise assessment a condition be added that requires the submission of the noise data and final position of the unit prior to the commencement of works on site.

The potential impact from customer noise and children playing on external play equipment has also been assessed by comparison with the measured ambient noise level. The report suggests that levels of noise resulting from the soft play café would be commensurate with existing daytime levels and is therefore likely to be completely masked by road traffic and other environmental noise sources.

The good neighbour policy gives consideration to customer capacity, internal/ external layout, hours of operation, CCTV, boundary screening, appropriate signage, provision of supervision and the nature of play equipment to be provided. The policy suggests that disruptive children/clients will be discouraged and that play equipment will be more skill-based rather than traditional play equipment which could generate louder noise. The policy also suggests that numbers will be limited. The Environmental Health team have recommended that the play equipment shall be effectively screened to prevent unauthorised access outside of the permitted opening times. It is noted that there will be no means of access to the rear of the site for customers other than through the rear of the building so that unauthorised access to this part of the property will not be possible.

The acoustic fence to the rear has been reduced in height, however to the side of the seating area (the first 7m from the rear of the extension) the height of the fence will be 2.1m. It is only running further back on the site that the proposed height is reduced. It has been reduced in order to protect the setting of the Grade II Listed Building at Quorn Court

and to minimise the concerns of neighbouring residents who were concerned that the fence would be overpowering on the Quorn Court side, appearing up to 3m high as a result of the change in ground levels. An addendum to the Noise Impact Assessment was provided by the applicant which has been considered by Environmental Health team. They have concluded that the reduced fence height will still provide a full acoustic screen between the main external play area and receptors. It is also acknowledged that the assumed 10dB attenuation afforded by the screen (as detailed in the original noise report) remains valid and therefore the conclusions are unaffected by the changes to the fence height.

Residents have expressed concern about noise from customers who may be queuing outside the property which could have an impact on residents from both Quorn Court and residents opposite in the dwellings at which have their front elevations directly onto the street. However the site is in close proximity to other community facilities including Rawlins School and is not considered unreasonable given the location of the site near to the village centre. There is no evidence that any customers queuing and waiting to access the property would result in excessive noise and disturbance. It is not a location where quiet and peacefulness would always be expected and it is therefore not considered that a refusal on this basis could be justified.

Concerns have also been expressed that there will be likely to be noise from those over the age of 5 attending with younger siblings after school, at weekends and during school holidays. The applicant has advised that the proposed use is focussed on babies, toddlers and pre-schoolers and that the play equipment both inside and outside will not be suitable for older children. Signs will be installed informing customers of the age limit for each play item. The applicant has advised that the nature of the scheme will keep the attendance of this age group to a minimum as it is a soft play café aimed at babies and toddlers.

The bin store to the premises is located between the proposed side extension and the mutual side boundary however this will only be accessible to staff and, being situated on the other side of the access to the nearest residential properties at Quorn Court, it is not considered that the use of these will create an unacceptable level of noise and disturbance to those residents.

In conclusion then it is considered that the proposal will not result in an unacceptable amount of noise and disturbance to neighbouring residents at Quorn Court.

Light:

Given that the proposed café use is limited to daytime only and is only likely to include customers sitting outside when the weather is good and light it is not considered that there will be any need for a lighting scheme externally.

Odours:

The applicant has confirmed that the café will be concentrating on selling pre-made / pre-baked goods bought in ready to serve and not prepared on site. These goods will therefore be unlikely to result in odours. The Council's Environmental Health team has advised that for a small cafe serving mainly bakery products, sandwiches, toasties, baked potatoes etc. the odour and grease content of the food is likely to be low and therefore the necessary ventilation requirements are limited. However there is concern that if permission is granted for A3 usage other types of food businesses could subsequently

operate under the same permission. To minimise the potential for any future odour nuisance, it is therefore recommended that any permission be subject to planning conditions that restrict the type of food that can be prepared or cooked at these premises. Ideally this should restrict the use of deep fat frying equipment, charcoal grilling or the use of wood burning ovens, unless details of an appropriate fume extraction system with adequate discharge height is submitted and approved by the planning authority. It is also recommended that the proposed use be limited by planning condition to the specific soft play café use in order that planning control be retained.

One of the objections requests confirmation as to whether cooking will be taking place all day long however due to the nature of the foods being produced, and it is suggested that the types of food being provided be covered by planning condition, it would be difficult to enforce and unreasonable to suggest that foods should only be sold at certain times of the day.

The 'externally mounted industrial extractor fan' that has been mentioned in objections is an air conditioning unit that is required because the applicant is keeping all the windows in the café premises closed in order to limit noise thereby reducing the noise levels that will be heard at the neighbouring property. The noise impact assessment shows 2 possible locations for the unit and it is suggested that the final location and type of unit be subject to planning condition in order to limit its impact on visual amenity. However the unit is to be located on the rear elevation and will therefore have no impact on the character or appearance of the Conservation Area or the setting of the Listed Building. Noise from the unit will be constant with no peaks and troughs. It is recommended that the detail of the proposed fan be provided prior to the use beginning.

However it is considered unlikely given the restrictions proposed by the applicant that there will be unreasonable odours or noise resulting from cooking at the premises.

Contamination:

Since the site has a historic workshop use, with a pattern maker having worked on site, a Phase 1 Desk top contamination survey/ risk assessment was provided by the applicant in line with planning legislation. The key issue here is to ensure that the potential human health linkages from any hazardous material are identified. It is understood that the site has had a historic use by an industrial pattern maker and it is considered that given the nature of this use any residual contaminants are unlikely to be mobile or unstable, the main risk would be through potential contact with any residual ground contamination. The introduction of engineered controls through the development process i.e. hard surfacing, introduction of a capping layer, incorporating within the building envelope etc, would effectively break any source receptor linkage as well as providing a level of protection for future end users.

Although the survey has been questioned by objectors the Council's Environmental Health team has advised that they have no reason to question the validity of the recommendations detailed in the report. However given the degree of concern raised by neighbours regarding the previous land use it is considered that a planning condition should be added requiring that a watching brief be maintained during the groundwork phase of the construction. Should any suspect, fibrous, discoloured or odorous material be encountered within the ground, work in that area must be suspended pending specialist inspection and assessment.

It is therefore considered that the proposal would preserve the residential amenities of the neighbouring residents of Quorn Court to the south east of the application site in terms of loss of light, privacy, and outlook, odour, noise and disturbance. The issue of contaminants resulting from the historic use of the property has also been considered. Whilst the concerns of neighbouring residents in regard to these issues are noted a noise report has been undertaken in regards to disturbance from the proposed use which has satisfied the Council's advisors on this topic. The applicant has provided details of food to be sold and these will be conditioned to ensure that cooking odours will not result. The issues in respect of loss of privacy, light and outlook have been considered in accordance with the requirement of the Council's SPD on Design. The extension will be single storey only and there will be no material harm to habitable room windows in the neighbouring residential properties.

It is considered in line with the recommendations of the Council's Environmental Health officers that conditions be imposed on any approval for this development to restrict the hours to those outlined by the applicant, and that the development proceed in accordance with the submitted details, for example the displaying of notices requesting customers to be kept to a minimum, for the play equipment to be supervised when in use, and for the opening hours to be kept to those proposed by the applicant. Officers have recommended that the number of children using external play equipment at any one time be restricted to reduce potential noise nuisance, however it is considered that, since a condition is suggested that restricts the type of play equipment, a restriction on the numbers of people sitting out in the garden would be excessive and unduly onerous.

Members also need to consider the amenity of future occupiers of the premises. The proposed residential unit has a floor area which accords with the national spaces standard for a two-bedroomed dwelling (Communities and Local Government's Technical Housing Standard). The entrance to the duplex unit will utilise an existing window opening in the front elevation of the dwelling allowing for a private entrance away from the new soft play café. The dwelling has large front facing windows which will remove the need for windows to the side and rear. It is therefore considered that the proposal would offer an acceptable level of amenity for future occupiers.

It is considered therefore that the proposal complies with saved Policy EV/1 of the Borough of Charnwood Local Plan (adopted 12th January 2004), Policy CS2 of the Charnwood Local Plan Core Strategy 2011 - 2028, Policies S1, S2 and CF5 of the Quorn Neighbourhood Plan, the Council's SPD on Design and the national guidance given in the National Planning Policy Framework and the National Design Guide.

Impact on Heritage assets

Planning (Listed building and Conservation areas) Act 1990, the National Planning Policy Framework and the Council's Core Strategy Policy CS14 require that decisions on planning applications should consider the impact of proposals on the significance of designated heritage assets. In this case the application site affects 3 heritage assets – Quorn Conservation Area, the Grade II Listed Building at Quorn Court and the Archaeological Alert Zone. The nearby St Bartholomew's Church is a Grade I Listed Building, however this is 32m from the nearest part of the application site and on the

opposite part of High Street set behind the churchyard with a wall marking the front boundary and so is not considered to have a close relationship with the application site.

Although not listed, the existing building on the application site is of a heritage value and the site is in the historic heart of the village. The adjacent White Hart public house is shown on the 1883-86 Ordnance Survey map and the application building itself appears on the OS map of 1903. Proposals are required to ensure that they do not harm the setting, character or appearance of these assets.

The application has therefore been considered against the heritage tests set out in planning legislation and guidance. The Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty for local authorities to have special regard to Listed Buildings and Conservation Areas. Section 66 of the Act refers to the desirability of preserving Listed Buildings, the setting of Listed Buildings and the features of special architectural and historic interest which it possesses whilst Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, whilst paragraphs 195-196 sets out tests for development relating to heritage assets. Paragraph 195 requires a judgement to be made as to whether a proposal will lead to substantial harm (or total loss of significance of) a heritage asset. Paragraph 196 of the NPPF sets out a further test that where there is less than substantial harm to the significance of a heritage asset, the harm should be weighed against the public benefits. But where there is no harm there is no need to carry out the public benefit test. Policy CS14 of the Core Strategy states that we will conserve and enhance historic assets for their own value and requires that proposals protect heritage assets and their settings.

It is not considered that the change of use or the scale and form of the proposed extensions would adversely impact on the Quorn Conservation Area or the setting to Quorn Court. Conditions are however recommended to request the submission of materials, large scale details of doors/windows and roof details for approval prior to works commencing on site. The proposed changes to the building have been considered against the heritage tests set out above and it is not considered that any harm will result to the heritage assets as a result.

There has been concern about the erection of the proposed fence adjacent to the south east boundary. The land rises in height with the result that to the rear the land to the application height becomes significantly higher than the land to Quorn Court. The current boundary to the rear of the site comprises a brick retaining wall which has the benefit of forming a structure within the curtilage of a Listed Building, although it is not listed in its own right. It is recognised however that the wall is part of the curtilage listing of the Grade II Listed Building at Quorn Court. Above the wall are a number of trees and the open nature of this contributes to the character and appearance of the setting to Quorn Court. It has been agreed that in order to preserve the appearance of this setting the acoustic fence will not replace the existing wall but will be situated adjacent to it. Given that the fence will be situated between the wall on the boundary of Quorn Court and the buildings at 28/30 High Street and will only appear above the wall by 0.2m the proposal will not result in any harm to the setting of the Grade II Listed Building.

Original concerns about the use of uPVC windows for the material to the doors and windows of the proposed development however the applicant has agreed that these will be constructed of hardwood timber. Concerns have been raised about the loss of the cobbles around the existing property. The Conservation Officer has considered the proposal to replace the cobbles with an alternative natural stone and does not object to this.

Overall then it is considered that the proposal would not result in harm to the setting of the Listed Building at Quorn Court, which is listed for its architectural significance, or the Archaeological Alert Zone since the rear of the property has been the subject of alterations over the years. It is noted however that no desktop assessment was included within the Heritage statement submitted as part of the application and it is therefore recommended that a condition be added so that a watching brief on archaeology be undertaken when the cobbles are removed. The proposal retains the existing form of the property and will not result in harm to the designated heritage assets – the character or appearance of the Conservation Area or the architectural significance or setting of the Grade II Listed Building.

In summary, it is considered that the development would not be visually incongruous or prominent in the street scene of High Street and would not harm the significance of the Conservation Area or its setting or the setting of the Grade II Listed Building at Quorn Court. The proposal therefore meets the test in para 195 of the National Planning Policy Framework so that it will not result in any harm to designated heritage asset. The further test in relation to public benefit therefore does not need to come into play. The proposal also meets the requirements of Policy CS14 and the requirements in respect of Listed Buildings and Conservation Areas set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on Highway Safety

The proposal needs to be considered against Development Plan and national planning policies relating to highway safety and the impact on the highway network.

It is recognised that the site does not include any provision for car parking. Whilst the previously submitted scheme the car parking space that has historically been provided to the side of the property was removed since the proximity of the site to the road meant that visibility would be very restricted.

The applicant has advised that the soft play scheme would be primarily intended for the use of Quorn residents who would be able to walk to the property and that staff would be also drawn from Quorn or the immediately surrounding area. This would be very difficult to enforce however. It is therefore recognised that the proposed facility will be likely to be used by customers from a wider catchment area than just the village.

The proposal therefore does not strictly comply with policy TR/18 of the Borough of Charnwood Local Plan, which requires that sufficient car parking be made available at a property, and policies within the Quorn Neighbourhood Plan which requires that new development only be approved where it has appropriate levels of car parking. However the policy context for considering applications in respect of highways issues is also set out in the National Planning Policy Framework, in particular para. 109 which states that new

development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It goes on to state that in order to refuse a planning application on highway safety grounds it must be demonstrated that there is severe harm caused by the proposal.

Leicestershire County Council as Highway Authority has given consideration to the proposal. The site is located on a classified C road subject to a 30mph speed limit in the village centre of Quorn opposite Rawlins Academy. There is a comprehensive package of on-street parking restrictions in the form of double yellow lines in the immediate vicinity. As previously proposed, the existing vehicle access is to be removed, and the single off-street parking space originally proposed but subsequently removed in connection with the withdrawn planning application no longer forms part of the proposals. Whilst this will lead to deliveries and servicing being undertaken from High Street to the front of the property, the Highway Authority notes that there are no loading restrictions associated with the double yellow line markings at this location, and so this is legally permitted. This is considered to be more acceptable in terms of highway safety than the substandard access which would have no turning provision. The previous vehicle access will now serve pedestrians only and also provide access to the bin stores for both the proposed apartment and café.

No parking spaces are proposed in connection with the proposed apartment and café, however the site is in the village centre and, along with other local services, it can be reached by walking, cycling or public transport. The Local Highway Authority therefore consider that the lack of parking provision associated with the soft play cafe element is acceptable due to its central location because the extensive parking restrictions in the vicinity of the site should prevent indiscriminate parking on the public highway.

Whilst some residents and café customers may be dropped off and picked up directly from High Street, such behaviour is legal at this location and the County Highway Authority has noted that none of the personal injury collisions recorded in the local area in the last five years involved parked vehicles. On this basis, the Highway Authority does not consider that the impact of the proposals on road safety would be unacceptable in the context of paragraph 109 of the National Planning Policy Framework (NPPF). Your officers have no evidence to outweigh the opinion of the Highway Authority.

As mentioned earlier, it is noted that residents have expressed concern about deliveries to the site, that these will result in noise and disturbance but also may be arriving when there are children and parents milling about the front of the site. There is also concern that because there is no parking, delivery vans, staff, clients and residents will all fight for space on the frontage of the application site. However, given the nature of the site, its location and the limited number of deliveries that there are likely to be it is not considered that a condition restricting deliveries outside the café opening hours would be reasonable or enforceable. Such a condition would then not meet the tests set out in planning legislation.

It is considered that, given the location of the application site within the Quorn local centre, near to the large public car park in Station Road albeit that there is often limited availability of parking here, and within close proximity to public bus routes, neither part of the the proposal – ie. the proposed soft play café and the residential duplex unit - would cause

unacceptable harm to highway safety nor would the cumulative impact be severe when taking into account paragraphs 108 and 109 of the NPPF. In terms of highway safety and impact on highway network therefore the application is considered to be acceptable.

Impact on trees

The site lies within Quorn Conservation Area and therefore trees within the site are protected by virtue of this. Planning legislation requires that notice must be given to the local planning authority when works are to be undertaken to trees within a Conservation Area who can then either allow the works to proceed or impose a Tree Preservation Order. There are no existing TPOs within or adjacent to the site.

The only trees within the site are along the boundary between 28/30 High Street and Quorn Court. There are young and semi-mature trees along the boundary within the ownership of the applicant which the tree report describes as being young and semi-mature trees and all species that readily self-set. The majority of these will be retained as screening, and comprise ash, sycamore, willow and holly. The willow tree will be lost as a result of the proposal, this is graded in the tree survey as being unsuitable for retention and it will be removed prior to the commencement of the development.

Further back on the side of the boundary belonging to Quorn Court there are two mature limes which have previously been pollarded at a height of 6.5 metres. These two trees are considered to be the most important within the environs of the site. Their root protection area is currently covered by concrete slabs.

The survey gives details of how the development should proceed in order that the trees be protected whilst the extension is built. This will be through the erection of protective barriers and the use of non-dig foundations and the “top down, pull back” method under the supervision of a qualified arboriculturalist. Conditions will ensure that the proposed works are carried out in accordance with the Arboricultural impact assessment to ensure that the trees within the site and at Quorn Court specified to be retained within the assessment do not suffer damage.

The survey and assessment of existing trees, and recommendations for the retention/protection of trees during construction contained within the tree report submitted by the applicant, is concurrent with best practice contained in “BS5837: 2012 Trees in relation to design, demolition and construction – Recommendations”.

Provided that the recommendations in the tree survey are followed the trees to be retained will be given a significant level of protection. It is therefore suggested that a condition be added that requires the submission of a tree management plan to guide the future management of trees along this boundary.

It is therefore considered that the proposal has taken into account the impact on trees and will not result in harm to the trees, particularly the two limes on the neighbouring property, that are worthy of protection.

Other matters

A range of comments were received from local residents in respect of the application, each of which are considered below. Many issues have been raised relating to the proposed management and operation of the proposed café, however many of these issues extend beyond the remit of planning legislation. All objections however have been passed to the applicant to consider as issues that will need to be addressed in the running of the proposed use.

Concerns have been raised that the construction of the acoustic fence adjacent to the boundary that belongs to Quorn Court residents would result in damage to a wall that was replaced by them in 2013. However this is a private legal matter and the applicant is advised that any damage caused to land beyond their ownership will need to be made good. The applicant has responsibility for ensuring that the void between the mutual side boundary and the acoustic fence is kept clear and does not result in harm to the appearance of the area.

Concern that the proposal will result in competition with other cafes in Quorn, and objectors have noted that some café businesses have ended up closing. It is recognised that Quorn is well served by 19 restaurants, pubs and cafes as noted within the Quorn Neighbourhood Plan, however competition is not a material planning consideration

Loss of value to properties at Quorn Court as a result of the proposed development. The loss of monetary value has been established by the courts not to be a material planning consideration.

Concerns about the numbers to use the premises and any resultant fire risk will be the subject of legislation relating to Building Control and the licensing of the premises for the proposed use.

Objections have mentioned that litter may be a problem. However it is up to the applicant to keep a tidy site. There is no evidence to suggest that the proposed use will result in a litter problem.

For the reasons set out above these concerns are therefore not considered to be issues that would warrant the refusal of this application.

Conclusion

In conclusion, for the reasons set out above it is considered that the proposal would be acceptable in principle and accords with the relevant Development Plan Policies. The proposal would provide a replacement residential unit and a soft play café that would assist in creating a sustainable inclusive and mixed community. It would provide a limited amount of employment and a community facility benefitting young families. It is recognised however that the proposal has been subject to strong objection. However as outlined in this report the proposal is located within the centre of a vibrant village and it is not considered that the proposed use will have a harmful impact on the character and appearance of the street scene. Careful consideration has been given to whether the proposal would have an acceptable impact on the amenities of the residents of neighbouring dwellings or the future residents of the duplex. However on balance and after careful consideration of the assessment reports provided by the applicant it is considered that due to the size of the premises the site would provide an acceptable use

within the location that would not have sufficient impact such as to warrant a refusal. It is recognised that the site is deficient of car parking however given its location the proposal does provide a sustainable development within the village centre that would not result in harm to highway safety or the highway network. It is considered that the proposal would not result in any harm to designated heritage assets and that significant trees will not be harmed.

Accordingly, the proposal accords with planning policy both at national and District level – in particular Policies CS1, CS2, CS3 and CS25 of the Charnwood Local Plan 2011 - 2028 Core Strategy, saved policies EV/1 and TR/18 of the Borough of Charnwood Local Plan (adopted 12th January 2004), policies S1, S2, H3, H5, ENV5, ENV5, CF2, E1 and TT1 of the Quorn Neighbourhood Plan, the Council's SPD on Design, and the national guidance given in the National Planning Policy Framework and the National Design Guide. It is therefore recommended that the application be approved.

RECOMMENDATION:-

That planning permission be granted subject to the following conditions:

1.	<p>The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.</p> <p>REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>Only those materials specified in the application shall be used in carrying out the development hereby permitted.</p> <p>REASON: To ensure the satisfactory appearance of the completed development.</p>
3.	<p>No works shall begin until details of the design, materials of construction and finish of all new window openings have been submitted to and agreed in writing by the local planning authority. The works shall be carried out only in accordance with the agreed details.</p> <p>REASON: To ensure the satisfactory appearance of the completed development.</p>
4.	<p>The premises to the rear of the duplex unit shall be used only for a soft play cafe and for no other use within Class E(b) and E(f) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2000, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, without the prior consent of the Borough Council.</p> <p>REASON: To ensure that the use remains compatible with the surrounding area.</p>
5.	<p>No use of the premises shall be carried out other than between 0900 hours and 1700 hours on Tuesdays to Fridays, and 0900 hours and 1800 hours on Saturdays and Sundays.</p>

	<p>REASON: The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.</p>
6.	<p>No lighting shall be placed externally within the site without the prior permission of the local planning authority. Full details of the method of illumination of the external areas of the site shall be submitted to and approved in writing by the local planning authority and the lighting shall only be implemented wholly in accordance with the approved details. Any lighting scheme shall be designed and operated in such a manner as to comply with the Institute of Lighting Engineers 'Guidance notes for the Reduction of Obtrusive Light'.</p> <p>REASON: In the interests of the amenities of the neighbouring residents.</p>
7.	<p>There shall be no deep fat frying, charcoal grilling or wood burning ovens used at these premises.</p> <p>REASON: The premises are close to neighbouring dwellings and a satisfactory extraction system would be necessary in these circumstances to prevent nuisance or annoyance to nearby occupiers.</p>
8.	<p>All demolition works shall take place in accordance with the submitted Contamination report. A watching brief should be maintained during the groundwork phase of the construction. Should any suspect, fibrous, discoloured or odorous material be encountered within the ground, work in that area must be suspended pending specialist inspection and assessment.</p> <p>a. Any additional or unforeseen contamination encountered during the development of the site shall be notified to the Council as soon as practicable. Subsequently a scheme to deal with this contamination shall be submitted to and approved in writing by the Planning authority and shall be undertaken to the satisfaction of the Council.</p> <p>b. If deemed necessary any capping materials, which are imported from other sites, should be sampled and tested prior to importation to ensure it is suitably clean.</p> <p>c. During construction all operations which generate dust derived from potentially contaminated ground should be effectively controlled.</p> <p>REASON: To make sure that the site, when developed is free from contamination, in the interests of public health and safety.</p>
9.	<p>No external extraction/ventilation equipment shall be operated at the premises unless and until details of such plant are first submitted to and agreed in writing by the local planning authority.</p> <p>REASON: The premises are close to existing residential dwellings and a limit on the use is needed to prevent a nuisance or annoyance to neighbouring occupiers.</p>
10.	<p>The works hereby granted consent shall be carried out in accordance with British Standard Recommendations for Tree work - BS 3998:2010 and in accordance with the Tree Survey and Arboricultural Impact Assessment carried out by AT2 Tree Surveys and dated 18th January 2021.</p>

	<p>REASON: To make sure that the works are carried out in a way which safeguards the health and amenity of each tree.</p>
11.	<p>No development, including site works, shall begin until the trees shown to be retained on the tree survey plan have been protected in accordance with the above Arboricultural Impact Assessment. The trees shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.</p> <p>REASON: The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.</p>
12.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans: Drg ref 881/003 rev M Proposed floor plans, site block and site location plans rec'd 13th May 2021 Drg ref 881/004 rev M Proposed elevations rec'd 6th May 2021 Design, Access and Heritage Statement rec'd 15th March 2021 Noise impact assessment undertaken by Acute Acoustics Ltd, 1st March 2021 Good Neighbour Policy rec'd 15th March 2021 Contaminated Land Survey undertaken by Stubton Properties Ltd, January 2021 Tree Survey and Arboricultural Assessment undertaken by A2 Tree Surveys, 18th January 2021.</p> <p>REASON: To define the terms of the planning permission.</p>
13.	<p>The ground floor windows in the side elevation shall be kept closed at all times. No changes shall be made to these windows nor shall any additional windows be inserted in this elevation thereafter.</p> <p>REASON: To minimise the effect of the development on the privacy and amenities of nearby residents.</p>
14.	<p>A watching brief should be maintained during the groundwork phase of the construction. Should any suspect, fibrous, discoloured or odorous material be encountered within the ground, work in that area must be suspended pending specialist inspection and assessment.</p> <p>Any additional or unforeseen contamination encountered during the development of the site shall be notified to the Council as soon as practicable. Subsequently a scheme to deal with this contamination shall be submitted to and approved in writing by the Planning authority and shall be undertaken to the satisfaction of the Council.</p> <p>If deemed necessary any capping materials, which are imported from other sites, should be sampled and tested prior to importation to ensure it is suitably clean. During construction all operations which generate dust derived from potentially contaminated ground should be effectively controlled.</p>

	<p>REASON: To make sure that the site, when developed is free from contamination, in the interests of public health and safety.</p>
15.	<p>No removal of cobbles shall take place until the applicant or developer has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which shall have been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of existing and proposed ground levels and layout and depths of all foundations, service trenches, drains, landscaping and other ground works.</p> <p>REASON: The site is likely to contain important archaeological remains. Full details of the works are needed so that an assessment of the impact of those works on the archaeological potential of the site can be made.</p>
16.	<p>This permission is for a soft play centre including the provision of outdoor play equipment. In order to protect the privacy of neighbouring properties no climbing equipment above 1m in height shall be installed or replaced without the prior approval of the Council.</p> <p>REASON: To ensure that the proposed development does not result in any unacceptable loss of privacy will result to the amenities of the occupants of neighbouring residential properties.</p>

The Following Advice notes will be attached to the decision

1. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process. This led to improvements to the scheme to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policy/ies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.
3. Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents. The construction work shall pay attention to the following recommendations:
 1. There shall be no burning of waste on the site.
 2. All demolition/construction work should be carried out in such a manner

as to minimise the risk of dust nuisance to neighbouring residential properties. Application of standard dust control measures as detailed in the Building Research Establishment (BRE) document "Control of Dust from Construction and Demolition Activities" 2003 should be followed.

3. To minimise the risk of noise nuisance, all work should follow good practice guidance such as those detailed in BS5228 "Noise control on construction and open sites" 2009.

4. There shall be no audible demolition/construction noise beyond the site boundary before 07.30 or after 18.00 hours Monday to Friday or between 0800 and 1300 hours on Saturdays, with no working on Sundays or Bank Holidays.

4. This permission does not give any legal right for any work affecting neighbouring property, including buildings, walls, fences and vegetation within that property. The responsibility for meeting any claims for damage to such features lies with the applicant.

5. **DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT**
- Policies CS1, CS2, CS3 and CS25 of the Charnwood Local Plan 2011 - 2028 Core Strategy, saved policies EV/1 and TR/18 of the Borough of Charnwood Local Plan (adopted 12th January 2004), policies S1, S2, H3, H5, ENV5, ENV5, CF2, E1 and TT1 of the Quorn Neighbourhood Plan (made 6th June 2019) have been taken into account in the determination of this application. The proposed development complies with the requirements of these Development Plan policies and there are no other material considerations which are of significant weight in reaching a decision on this application.

6. All works should comply with BS3998:2010 Recommendation for Tree Work, in the interests of good arboricultural practice. Please contact the Council's Senior Landscape Officer on 01509 634766 for further advice.

7. The demolition of the garage and workshop should be carried out in such a way as to ensure that any asbestos contained within the structure is removed and/or dismantled in a safe manner. Precautions should be taken to ensure that any asbestos is removed by an authorised contractor and disposed of at a Licensed Waste Management Facility. Before any works commence the developer is advised to contact the Health & Safety Executive, tel no 01604 738300 for further information.

